

Applic. No. 10/608,607

Amdt. dated December 22, 2004

Reply to Office action of June 23, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-10 and 12-20 remain in the application. Claims 1, 18, and 20 have been amended. Claim 21 has been previously cancelled. Claims 11 and 22 are being cancelled herewith.

In the second paragraph on page 2 of the above-identified Office action, the drawings have been objected to under 37 CFR 1.83(a).

More specifically, the Examiner has stated that supporting the clothing item with an air permeable supporting surface and supporting the clothing item by a gas jet must be shown or the features cancelled from the claims. In order to facilitate prosecution of the application, the drawings were changed in the response dated May 3, 2004, as indicated in red in the marked-up replacement sheet "1". The symbol "26" was added to show that "the item of clothing 2 can be disposed between two air-permeable surfaces 26" and two additional "surfaces 26" were added to Fig. 1 between the nozzles "7". Therefore, the objection to the drawing was believed to have been overcome with the previous response. Furthermore, it is still respectfully believed that "supporting the clothing item by a

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gas jet" is shown in the drawings, because the nozzles 7 are shown on both sides of the path of the article of clothing. Therefore, the drawings have not been changed with regard to this feature.

In the fifth paragraph on page 2 of the above-identified Office action, claims 1 and 20 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that "in a direction not parallel to" is a negative limitation, which renders claims 1 and 20 indefinite. The Examiner is directed to MPEP §2173.05(i) "Negative Limitations," where it is stated that "the current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation. Furthermore, the Examiner did not indicate that he does not understand what "in a direction not parallel to" is, the Examiner merely stated that it is a negative limitation and thus indefinite. As can be seen from the MPEP section listed above, a negative limitation is not uncertain or ambiguous. Therefore, claims 1 and 20 have not been amended to overcome the rejection.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs.

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Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In the second paragraph on page 3 of the Office action, claims 1-4 and 18 have been rejected as being fully anticipated by Jannach (U.S. Patent No. 5,953,830) under 35 U.S.C. § 102.

In the third paragraph on page 3 of the Office action, claims 1-10 have been rejected as being fully anticipated by Fujita (U.S. Patent No. 5,713,137) under 35 U.S.C. § 102.

In the last paragraph on page 4 of the Office action, claims 1-3, 12, and 13 have been rejected as being fully anticipated by Dahman (U.S. Patent No. 5,361,516) under 35 U.S.C. § 102.

In the first paragraph on page 5 of the Office action, claims 1-3, 12, and 13 have been rejected as being fully anticipated by Georges (U.S. Patent No. 4,592,497) under 35 U.S.C. § 102.

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In the last paragraph on page 5 of the Office action, claims 20 and 22 have been rejected as being fully anticipated by Muller (U.S. Patent No. 4,270,281) under 35 U.S.C. § 102.

In the second paragraph on page 6 of the Office action, claims 14 and 15 have been rejected as being obvious over Georges

(U.S. Patent No. 4,592,497) in view of Kellerhalls et al.

(U.S. Patent No. 4,304,053) under 35 U.S.C. § 103.

In the last paragraph on page 5 of the Office action, claim 17 has been rejected as being obvious over Georges (U.S. Patent No. 4,592,497) in view of Baltes (U.S. Patent No. 4,625,432) under 35 U.S.C. § 103.

It is noted that the Examiner has not rejected claim 11 in any of the above-noted rejections. Accordingly, claim 11 is being treated as being allowable. Since claim 11 has already been considered by the Examiner, amending claims to include the subject matter of claim 11 does not change the scope of the claims. Accordingly, it is requested that the Examiner enter this after final amendment. Claim 1 has been amended so as to include the subject matter of claim 11. Therefore, claim 1 is believed to be allowable. Since claim 1 is believed to be allowable, dependent claims 2-10 and 12-16 are believed to be allowable as well.

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Claim 18 has been amended to include the subject matter of claim 11. Therefore, claim 18 is believed to be allowable as well.

Claim 20 has been amended to include the subject matter of claim 11. Therefore, claim 20 is believed to be allowable as well.

Even though the subject matter of claim 11 is being treated as being allowable, the following comments pertain to subject matter of claim 11 (which is now in claims 1, 18, and 20).

None of the references cited by the Examiner in any of the above-noted rejections shows or suggests moving the at least one gas nozzle and the clothing item relative to one another, as recited in claims 1, 18, and 20 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1, 18, or 20. Claims 1, 18, and 20 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

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In view of the foregoing, reconsideration and allowance of claims 1-10, 12-18, and 20 are solicited.

It is appreciatively noted from page 7 of the Office action, that claim 19 is allowable.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of three months pursuant to Section 1.136(a) in the amount of \$1020 in accordance with Section 1.17 is enclosed herewith.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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December 22, 2004

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